

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TEDDY ABREU,	:	CIVIL ACTION NO. 1:09-CV-2299
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
DEPARTMENT OF HOMELAND SECURITY,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 1st day of December, 2009, upon consideration of the "Notice of Appeal Petition for Review" (Doc. 1) filed by petitioner on November 23, 2009, in which he argues that he should have filed his appeal of the U.S. Citizenship and Immigration Services' denial of his derivative citizenship claim (Doc. 1, at 9) with the district court, rather than the court of appeals, and it appearing that his appeal is presently pending before the United States Court of Appeals for the Third Circuit, Teddy Abreu v. Attorney General of the United States of America, Civil Dckt # 09-3299, it is hereby ORDERED that:

1. The "Notice of Appeal Petition for Review" is CONSTRUED as a motion to transfer his presently pending appeal from the United States Court of Appeals for the Third Circuit to the district court and is DENIED without prejudice to his right to pursue such relief in the pending appellate matter.

2. The Clerk of Court shall TERMINATE the motion to proceed in forma pauperis (Doc. 2).
3. The Clerk of Court shall CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge